

Application No. 10/017,201  
Amendment A dated October 8, 2004  
Reply to Office Action mailed April 9, 2004

### **REMARKS**

The present Amendment is in response to the Examiner's non-final Office Action mailed April 9, 2004. Claims 1-29 are now pending.

Reconsideration of the application is respectfully requested in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

#### **I. Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over *Verma* (U.S. Patent No. 6,647,041) in view of Applicants specification.

Applicants traverse the Examiner's rejection for obviousness on the grounds that *Verma* is not within the scope of what may be considered as "prior art" relative to the present invention. The present application and the *Verma* reference were, at the time the invention in the present application was made, both owned by, or subject to an obligation of assignment to, the same person. (MPEP 706.02(1)(2)). "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time of the invention was made, owned by the same person or subject to an obligation of assignment to the same person." [35 U.S.C. § 103(c)]. Presumably, the Examiner is applying the *Verma* reference as prior art only under 35 U.S.C. § 102(c), and thus in light of the evidence below, the *Verma* reference cannot be used under 35 U.S.C. § 103 to reject the claims recited in the present application.

#### **II. Statement Under MPEP 706.02(1)(2)(II)**

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The undersigned hereby declares that the present application and the *Verma* reference (U.S. Patent No. 6,647,041) were, at the time the invention in the present application was made, both owned by, or subject to an obligation of assignment to, the same person.

**III. Requirement To Update Status Of All Patent Application Cited In The Disclosure**

The Examiner requires the applicants to update the status of all patent applications cited in their disclosure. Applicant have complied with the Examiner's request by making the amendments to the specification set forth above.

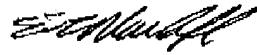
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**CONCLUSION**

In view of the foregoing, Applicants believe the claims are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 8th day of October, 2004.

Respectfully submitted,



ERIC L. MASCHOFF  
Registration No. 36,596  
Attorney for Applicants  
Customer No. 022913

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